

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GARAGE SWEAT LLC /f/k/a TRIBE WOD
LLC, JARED BANE, and ALEXANDRE
VITET,

Plaintiffs,

v.

FACTORY 14 UK ACQUISITION IV LTD,
RAZOR GROUP GMBH, and RAZOR
GROUP USA LLC,

Defendants.

Civil Action No. 1:23-cv-12155-MJJ
**MEMORANDUM, AFFIDAVIT OF
ARTHUR SCHMEISER AND
EXHIBITS 1-17 FILED UNDER
SEAL PER ORDER OF APRIL 28,
2025**

**PLAINTIFFS' MOTION TO
COMPEL FURTHER PRODUCTION OF DOCUMENTS AND
SUPPLEMENTATION OF ANSWERS TO INTERROGATORIES**

Pursuant to Rule 37(B) of the Federal Rules of Civil Procedure, Plaintiffs Garage Sweat LLC f/k/a Tribe Wod LLC, Jared Bane, and Alexandre Vitet ("Plaintiffs"), respectfully seek an order from the Court compelling Defendants Factory 14 UK Acquisition IV LTD, Razor Group GmbH, and Razor Group USA LLC ("Defendants") to produce certain documents and communications Defendants have failed or refused to produce, to supplement certain deficient answers to interrogatories, and to produce a privilege log, which has been promised but not provided. The parties have held extensive conferences and exchanged detailed correspondence pursuant to FRCP 37(a)(1) and LR 37.1 and narrowed the outstanding issues, yet Defendants have failed or refused to cure the deficiencies noted below.¹ This refusal has delayed Plaintiffs' ability to

¹ Counsel discussed Plaintiffs' intention to file this motion on April 23, 2025, during which Defendants' indicated their intention to provide certain supplementary information and documents, but not all of those referenced herein. Because of the limited time remaining for discovery, the long passage of time to this point, and the urgent need for certain information and documents for their experts' use, Plaintiffs were required to move forward with this motion, but agreed to amend the motion as appropriate, if certain discovery sought is provided in the interim. No further documents have been received since that date.

proceed with depositions, which has already led to two joint motions to extend the discovery deadline, and may necessitate a third, and to facilitate their expert witnesses' preparation of reports, which must be served by on or about July 8, 2025, and has significantly and needlessly increased Plaintiffs' costs in conducting discovery.

Plaintiffs thus seek supplementation of Defendants' production of documents and answers to interrogatories as fully described in the accompanying memorandum, as to the following categories:

1. **Slack, Google, and WhatsApp Messages.** *See* Interrogatories 1, 6-11, 13 and 15 (re: "Tribe WOD Financials" or earnout calculations), 16-17 (re: sales and attribution of revenues from sales on other brands' platforms); RFP 1, 2, 8-10, 12-13, 16-18, 23, 28-29 (re: "Tribe WOD Financials" or earnout calculations and source data and documents), 31, 37, 40, et al.
2. **Profit and Loss Statements and Financial Data Post-Dating Razor Acquisition.**
See RFP 23, 28-29, et al.; INT 13-15, et al.
3. **Specific Interrogatory Supplementation.** INT 6, 8, 11, 13, 15, 19, et al.
4. **Specific Requests for Production – Plaintiffs' Second Requests for Production.**
See Second Requests for Production, RFP 1-6, 15-16, et al.
5. **Privilege Log.**

WHEREFORE, Plaintiffs respectfully request the Court compel, as set forth above and in the Memorandum in Support, the supplementation of interrogatory answers referenced, the further production of documents, and provision to Plaintiffs of a privilege log in accordance with applicable rules, and such other and further relief as the Court deems just and proper.

FRCP Rule 37(a)(1) and Local Rules 7.1 and 37.1 Certification

As described above, counsel for the parties conferred via numerous telephonic conferences and written letters and emails between August 2024 and April 2025, in efforts to

narrow or eliminate their dispute concerning the above points, including the exchange of letters and emails attached hereto, in addition to telephone conferences held on multiple occasions, including on January 20, 2025 and April 23, 2025. They were successful in narrowing the issues to be presented to the Court, but not in eliminating them entirely.

/s/ Matthew J. Ginsburg
Matthew J. Ginsburg

Respectfully submitted,

PLAINTIFFS GARAGE SWEAT LLC f/k/a
TRIBE WOD LLC, JARED BANE and
ALEXANDRE VITET,
By their attorneys,

Dated: April 28, 2025

/s/ Matthew J. Ginsburg
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CERTIFICATE OF SERVICE

I, Matthew J. Ginsburg, hereby certify that on this 28th day of April, 2025, a true copy of the foregoing document was served through the Court's CM/ECF system upon counsel of record herein.

/s/ Matthew J. Ginsburg
Matthew J. Ginsburg